G. R. S. IX-5]

Previous references.

File No. 114 - 19

1919-20

Serial Nos. 142

(C. B.)

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 142

Part B for January 1920.

SUBJECT.

Re representation of Mr B. Nag a/s/o District & Sessions Judge re regard to his drawing the Acc. pro. Term pay of 2nd Grade together with the selection allowance of the First Grade.

W D 1250—GPB—30,000 28-1-19

31/1/20.

G. R. S. III—1] 1919-20

GENERAL AND REVENUE SECRETARIAT.

(CB)

NOTES.

File No. 114-19 ~~50-19~~

FILE HEADING.

Representation of Mr. B. Nagappa, Dt. Sessions Judge in regard to his drawing the sub-protem pay of 2nd grade together with the acting allowance of the 1st grade

From

The Registrar of the Chief Court of Mysore

No. D2 Dis nil. 495 19-20 Dated 18/10/19 Received 21.10.19

Diary No.	365	Enclos. 2	Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

states that his ~~drawing pay~~ as having drawn sub protem pay of 2nd grade together acting allowance of on the pay of I grade is objected to by the Comptroller who has asked to refund the excess of Rs 1326-7-3 and requests that proper arrangements maybe ordered under Art 60 Mysr in the vacancy caused by the appointment of Mr. Hamza Hussain, Dt. Sessions Judge, to class 2 sub protem ~~IIg~~ of police.

NOTES AND ORDERS.

The reference files required for this case is put up in Mr. Subbanna's Case in which it is proposed that provisionally permanent arrangements made in the vacancy caused by the appointment of Mr. Hamza Hussain as a Member of Council.

NOTES—First Sheet.

(2

G. R. S. III-2

General and Revenue Secretariat. | CB File No. ~~58~~ 114 of 1919.

Serial No.

2) Mr Nagappa's request is that provisionally permanent arrangements may be made in the grade of Dist & Sessions Judges during the employment of Mr Hameza Hussain as Sub pro tem IG of Police - Mr Hameza Hussain is sub pro tem IG of Police vice Mr KR Srinivasaraya who was appointed Revenue Commr vice Mr P. Raghavendra Rao appointed Member of Council -

3) Submd for orders.

Chief Secy) 6/11

6/11/19

4) CB.

Please put up recent Council resolution on subject.

8/11/19

The matter was being separately considered

This was clicked with the file re making proper permt. the chain of appointments in the Dist Jud'l during the employment of Mr Hameza Hussain as [illegible]

2 From the Registrar of the Ch: Ct of Mysore

No. D2 Dis 608 of 19-20 dt 19.11.19

F.o. an applⁿ from Mr. B. Nagappa praying for confirmation in the 1st class consequent on the confirmation of Mr R. B. Phinney as Judge of the H/C

5) Mr Nagappa is Dy Judge II class provl permt from 2.1.1919 and I class offg from 23.10.1918. As such he can draw salary at Rs 1000 + 200 (a.a) from 2.1.1919. From 23rd Oct 1918 to 1st Jany 1919 he can draw salary at Rs 800 + 240 as pointed out

NOTE—Contn. sheet.

G. R. S. III-2]

490

General and Revenue Secretariat. CB. File No. 114 — of 1919.

Serial No.	
	out by the Comptroller + not at Rs 1200 as has been done by Mr. Nagappa.
	6) The point for orders is whether Mr. Nagappa may be permitted at the higher rate even during the period for which no permanent or provl permanent vacancy was available therefor.
	7) The Fin. Secy may be consulted.
	[Mr. Nagappa's prayer for being confirmed in the 1st grade is being separately dealt with.]
	8) No further action is necessary in this case. The papers will be recorded if approved.
	(Chief Secy) 9) MK 26/1/20
	Yes. CMG 30/1/20

NOTE—Contn. sheet.

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C4 CB 365

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CB 114-191

13429

Chief Court of Mysore,

Bangalore, dated 18th October 1919.

20-5

From

G. Srinivasa Iyer Esq., B.A., M.L.,

Registrar of the

Chief Court of Mysore.

To

C. S. Balasundaram Iyer Esq., B.A.,

Chief Secretary to the Government of Mysore,

B a n g a l o r e.

S i r,

I am directed to forward herewith, for favourable consideration by the Government, letter dated 27th September 1919 from Mr. B. Nagappa, Barrister-at-Law, District and Sessions Judge, Mysore Division, regarding his appointment as District and Sessions Judge, 2nd class sub pro-tem.

Regn. for reply sent 25/10/19

I have the honour to be,

S i r,

Your most obedient servant,

G Srinivasaiyer

R E G I S T R A R.

SK.

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1919-20

From

B.NAGAPPA,Esq., Barrister-at-Law,
District Judge,
Mysore Division,
M Y S O R E.

To

C.S.BALASUNDARAM IYER,Esq., B.A.,
Chief Secretary to the
Government of Mysore,
BANGALORE.

Dated 27th September 1919.

Despatched

Received

General No.
No.

Enclosure No. One.

Sir,

In forwarding herewith a copy of letter No. 156/G.A.D. dated 16th instant from the Comptroller to the Government of Mysore objecting to my drawing pay at Rs. 1200/- a month and asking to refund Rs. 1326-7-3 said to have been drawn in excess, I have the honour to state that consequent on the appointment of Mr. Mir Hamza Husein, District Judge Second class, as Sub protem Inspector-General of Police, I was promoted as District Judge, Second class, sub protem with effect from 8th August 1918 (Vide Government Notification No . 1663-59-18-5dated 24th June 1919) and I was made to act in

GPH—75 reams—25-5-10

the

the First class with effect from 23rd October 1918 (Vide Governmen Notification No. 865- C.B.59-18-3 dated 11th February 1919). I drew therefore Rs. 1000/- the full pay of the sub protem appointment plus acting allowance of Rs. 200/-. Now, the Comptroller has taken objection to this course on the authority of Article 61 , Para 2 of the Mysore Service Regulations. This objection, I beg to submit, does not seem to apply, for, Article 67 clause (2) may be interpreted to mean that acting District Judges will draw the minimum pay of the appointments in which they act. That Article is not clear whether the District Judges acting in Second and First class should not draw the minimum pay attached to those classes. On the strength of this and on the wording of the Notification dated 24th June 1919 to the effect " the following promotions of District Judges are ordered....." I bona fide believed that the Government have allowed me the full benefit of their appointment as acting District Judge, First class. The Comptroller, however, has taken a different view and has stated that my salary should reckon as Rs. 800 plus 240/- as allowance, thus depriving me of Rs. 160/- a month, though I have been acting in the First grade and though that appointment is virtually permanent, as Mr. Justice R.B.Plumer has been officiating in a permanent vacancy and also Mr. Mir Hamza Husein is made sub protem Inspector-General of Police.

With a view to obviate this difficulty, I pray that the Government may be pleased to sanction my appointment as Second Grade District Judge of a permanent kind under Article 60 of the Mysore Service Regulations with effect from 8th August 1918 as was done in the case of Messrs. G.Aravamuda Iyengar and Zahiruddin Meccai who have been provisionally made permanent with a view to enable them to derive full benefit of the vacancies in which they have been acting.

In the present case, I beg leave to submit that there is no reason to believe that Mr. Mir Hamza Husein who is shown

as

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as permanent District Judge, Second class, is likely to revert, for, not only there is a vacancy in the grade of First class District Judges in which he is shown to be acting but also, as shown by the Government Order dated 24th June 1919, is made sub pro tem Inspector-General of Police and subsequently a second Member of Council, thus clearly indicating that he retains no connection with his own appointment as District Judge, Second class.

If this provisional appointment is not made, I shall be deprived, I submit, without any good reason, the benefit of the acting appointment as District Judge, First grade. After all the Government will have full power to reverse the appointment in case Mr. Mir Hamza Husein reverts to his original appointment as District Judge Second class.

I have the honour to be,

Sir,

Your most obedient servant,

DISTRICT JUDGE.

Inle.

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No. 156/GAD.

Office of the Comptroller to the
Government of His Highness the
Maharaja of Mysore,

Dated, Bangalore, the 16/17th September 19

From

T.Sathyaraja Chetty, Esq., B.A.,

Offg.Comptroller to the Government of

His Highness the Maxaharaja of Mysore.

To

The District Judge,

M y s o r e.

Sir,

Referring to your salary bill for June 1919 cashed on 1st July 1919, I have the honour to point out that your salary comes to Rs. 1,040/- (800 plus 240) and not to Rs. 1,200/- per mensem, as drawn by you. Under Article 61 Mysore Service Regulations, the salary of an officer who holds a sub-protem appointment and who acts in a higher appointment is reckoned upon his substantive pay proper and not upon the pay of the sub-protem appointment. Besides a Gazetted Officer cannot draw a changed rate of salary without the conditions mentioned in Article 71 Mysore Account Code being fulfilled. I request therefore that you will be so good as to intimate the circumstances under which the enhanced rate of salary was drawn. The excess of Rs. 1,326-7-3 drawn may be kindly refunded at once to the treasury and the fact intimated.

it cannot unless the bill is pre-audited by Comptroller or supported by an audit slip issued by the Comptroller.

I have etc.,

Sd/ T.Sathyaraj Chetty,

Offg. Comptroller.

" C OP Y "

DISTRICT JUDGE.

From

To

Dated

Despatched

Received

General No.

No.

Enclosure No.

GPB—75 reams—25-5-10

Dy Sec. No. 688 of 19-20 Sec 1

CB 490

CB 114-19-3

SECTD. DEPOT
CB
21 NOV 1919

13428

BANGALORE

Dated 19th November 1919.

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From

G. Sreenivasa Iyer, Esq., B.A., M.L.,
Registrar of the Chief Court of Mysore.

To

C. S. Balasundaram Iyer, Esq., B.A.,
Chief Secretary to Government of Mysore,
Bangalore.

S I R,

I am directed to forward herewith an application dated 17th November 1919, from Mr. B. Nagappa, Bar-at-Law, District and Sessions Judge, Mysore Division, praying that he may be confirmed in the first grade.

I have the honour to be,

S I R,

Your most obedient servant,

G Srinivasaiyer

REGISTRAR.

TKS.

(10

19 19-20

From

B.NAGAPPA,Esq., Barrister-at-Law
District Judge,
Mysore Division,
MYSORE.

To

C.S.BALASUNDARAM IYER,Esq.,B.A.,
Chief Secretary to the
Government of Mysore,
BANGALORE.

Dated 17th November 1919.

Despatched

Received

General No. 2066
No. 288

Enclosure No.

Sir,

Adverting to Government Notification No. 595-C.B. 86-19-1,dated 10th instant confirming Mr. Justice R.B.Plumer, Bar-at-Law as a Judge of the Chief Court, I have the honour to request that I may be confirmed as District and Sessions Judge, First class as I have been acting in that grade under Government Notification No. 865-C.B. 59-18-3 dated 11th February 1919 since 23rd October 1918, and as Mr. Mir Hamza Husein,B.A.,B.L., has a lien on

GPB—1,50,000—20-3-11

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on the post of the Inspector-General of Police (vide Government Notification No. 1663-59-18-5 dated 24th June 1919).

I have the honour to be,

Sir,

Your most obedient servant,

DISTRICT JUDGE.